

**EXHIBIT 7**

HMK/jb GA 7921

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GREAT AMERICAN INSURANCE  
COMPANY OF NEW YORK,

ECF CASE

Plaintiff,

07 CIV 6421 (PAC)(THK)

-against-

ADVANCE OCEAN INC., NIPPON YUSEN  
KAISHA, NYK LINE (NORTH AMERICA)  
INC., BURLINGTON NORTHERN SANTA FE  
CORPORATION, BNSF RAILWAY COMPANY,  
THE BURLINGTON NORTHERN AND SANTA  
FE RAILWAY COMPANY,

DECLARATION OF  
ROBERT MOHN IN  
OPPOSITION TO  
DEFENDANTS'  
MOTIONS TO DISMISS  
AND TO TRANSFER

Defendants.  
-----X

Robert Mohn, hereby declares under the penalties of perjury pursuant to  
28 U.S. C. §1746 that the following is true and correct:

1. I am an employee of Berardino & Associates, Inc., located in  
Elmhurst, IL, and licensed as an ocean transportation intermediary authorized  
to act as a freight forwarder by the Federal Maritime Commission. I submit  
this Declaration in opposition to the motions made by defendants in the  
captioned matter to dismiss the action as against defendant Advance and to  
transfer the action to California made by defendants BNSF and NYK Line.

2. I was contacted by Maclean Power Systems in or about June 2006,  
to act as its freight forwarder in arranging the shipment of a cargo of electrical  
insulators from Maclean in Franklin Park, IL to its buyer in Thailand.

3. I learned through Maclean that its buyer in Thailand required the

goods to be carried to Thailand aboard an ocean vessel flagged in Thailand, and therefore contacted Advance Ocean Inc. who specialized in transportation of goods to Thailand. To my knowledge, Advance Ocean Inc. was not a freight forwarder at the time of this booking.

4. I received the Booking Confirmation from Advance Ocean Inc. on June 12, 2006, and expected to receive an intermodal bill of lading showing the through move from Chicago to Bangkok, Thailand, but no bills of lading were received before being advised of the derailment of the train carrying the cargo to Los Angeles on the land leg of the carriage.

5. I arranged for the trucking of the containers from Maclean's loading dock to the container yard in Joliet Logistics Park in Elwood, IL, where Advance Ocean had instructed me to deliver the containers.

6. At no time prior to the derailment was I advised that BNSF was the nominated rail carrier, and no railway bill of lading was ever received by Berardino & Associates on behalf of Maclean.

Dated: February 15, 2008

---

Robert Mohn